

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: ECF CASE  
: 07-cv-06728 (DC)  
  
IN RE GPC BIOTECH AG SECURITIES : **AFFIDAVIT OF**  
LITIGATION : **BERNARD J. GARBUTT III**  
: **IN SUPPORT OF**  
: **DEFENDANTS' MOTION**  
: **TO DISMISS PLAINTIFFS'**  
: **CONSOLIDATED**  
: **CLASS ACTION COMPLAINT**  
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Bernard J. Garbutt III, an attorney duly admitted to practice before this Court, being duly sworn, deposes and says:

1. I am a partner with the law firm of Morgan, Lewis & Bockius LLP, attorneys for the defendants in the above-captioned action, GPC Biotech AG ("GPC"), Bernd R. Seizinger, Mirko Scherer, Elmar Maier, and Sebastian Meier-Ewert (hereinafter, the "Defendants"). I am admitted to practice before this Court. I submit this affidavit in support of Defendants' motion to dismiss the Consolidated Class Action Complaint ("Complaint") in this action, and to put before the Court certain documents referenced in the Complaint and used in support of Defendants' motion.

2. Attached hereto as Exhibit "1" is a true and correct copy of excerpts from GPC's Form 20-F Annual Report for the Fiscal Year Ended December 31, 2005, referenced in paragraph 72 of the Complaint.

3. Attached hereto as Exhibit "2" is a true and correct copy of excerpts from GPC's Form 20-F Annual Report for the Fiscal Year Ended December 31, 2006, referenced in paragraph 58 of the Complaint.

4. Attached hereto as Exhibit “3” is a true and correct copy of an analyst report from WestLB, dated January 19, 2007, entitled “Satraplatin, a blockbuster candidate in HRPC alone,” referenced in paragraph 84 of the Complaint.

5. Attached hereto as Exhibit “4” is a true and correct copy of an analyst report from Credit Suisse, dated February 14, 2007, entitled “Two catalyst points due next week,” referenced in paragraph 87 of the Complaint.

6. Attached hereto as Exhibit “5” is a true and correct copy of an analyst report from Pacific Growth Equities, dated February 26, 2007, entitled “SPARC data presented at ASCO Prostate Symposium,” referenced in paragraph 88 of the Complaint.

7. Attached hereto as Exhibit “6” is a true and correct copy of the GPC Press Release, dated May 15, 2007, entitled “GPC Biotech’s Satraplatin NDA to be Reviewed by ODAC Panel on July 24, 2007,” referenced in paragraph 92 of the Complaint.

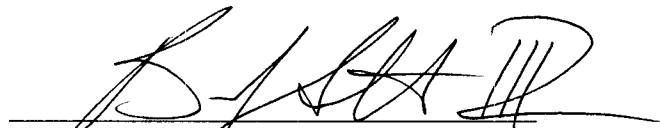
8. Attached hereto as Exhibit “7” is a true and correct copy of an analyst report from Deutsche Bank, dated July 22, 2007, entitled “Decisive days ahead,” referenced in paragraph 108 of the Complaint.

9. Attached hereto as Exhibit “8” is a true and correct copy of the “FDA Briefing Document, Oncology Drugs Advisory Committee Meeting, July 24, 2007, NDA 21801 Orplatna® (satraplatin capsules),” referenced in paragraph 101 of the Complaint.

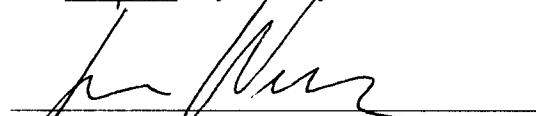
10. Attached hereto as Exhibit “9” is a true and correct copy of the “Summary Minutes of the Oncologic Drugs Advisory Committee, July 24, 2007,” referenced in paragraph 104 of the Complaint.

11. Attached hereto as Exhibit "10" is a true and correct copy of an analyst report from DZ Bank AG, dated August 3, 2007, entitled "GPC Biotech," referenced in paragraph 112 of the Complaint.

Dated: New York, New York  
May 14, 2008

  
BERNARD J. GARBUTT III (BG 1970)

Subscribed and sworn to before me  
this 14 day of May 2008.

  
Notary Public

**JORDAN D. WEINREICH**  
**Notary Public, State of New York**  
**No. 02WE6150760**  
**Qualified in New York County**  
**Commission Expires 08/07/2010**